IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

MFA.No. 491 of 1996

AGAINST THE AWARD AND JUDGMENT IN O.P.(M.V) NO.233 OF 1989
OF THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, THODUPUZHA.

APPELLANT: PETITIONER:

K.E.HARIS,
S/O.EESA, KATTUPLACKAL HOUSE,
KOTTICKAL KARA, MUKKULAM EAST P.O.,
MUNDAKKAYAM VIA, MUNDAKKAYAM.

BY ADV. SRI.P.CHANDY JOSEPH

RESPONDENTS: RESPONDENTS 1 TO 6 & 8:

1. M.FAROOK,
M.M.LANE, SUPER STORES,
VANDIPERIYAR.

2. S.VIJAYAN,
ALUMPATHY ESTATE,
POOPARA P.O., POOPARA. (DELETED)

3. P.MUHAMMED,
OLIKKAPARA HOUSE,
KUTTIPLANGADU, KOKKAYAR, (DELETED)

4. VIJAYAN & KUNJUMON,
KATTUNETTICKAL HOUSE,
VANDIPERIYAR TOWN,
VANDIPERIYAR.

5. ORIENTAL INSURANCE CO. LTD.,
THODUPUZHA.

6. S.SALIM,
S/O.SYED MOHAMMED,
MARKET, VANDIPERIYAR.

7. NEW INDIA ASSURANCE CO. LTD.,
VANDIPERIYAR. (DELETED)

RESPONDENT NOS.2 AND 3 ARE DELETED FROM THE PARTY ARRAY AT THE RISK OF THE APPELLANT AS PER ORDER DATED 4.10.2007 IN MFA. NO.491/1996.

RESPONDENT NO.7 IS DELETED FROM PARTY ARRAY AS PER ORDER DATED 28.10.2003.

R5 BY ADV. SRI.MATHEWS JACOB

THIS MISC. FIRST APPEAL HAVING COME UP FOR HEARING ON 23/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN,J.

M.F.A. NO. 491 OF 1996 B

Dated this the 23rd October, 2007

JUDGMENT

H.L.DATTU, C.J.

When the matter was posted yesterday, neither the appellant nor his counsel was present. Therefore, we had adjourned the matter.

2. Even today, neither the counsel nor the appellant is present when the case is called for hearing. This would show that the appellant may not be interested in the matter. Therefore, the appeal is rejected for non-prosecution.

(H.L.DATTU)
Chief Justice

(K.T.SANKARAN)
Judge

ahz/